

***ROBERT L. ARLEO, ESQ. P.C.***

380 Lexington Avenue  
17<sup>th</sup> Floor  
New York, N.Y. 10168

Telephone: (212) 551-1115

Email: robertarleo@gmail.com

Fax: (518) 751-1801

March 17, 2018

Hon. A. Kathleen Tomlinson  
United States District Court Magistrate Judge  
U.S.D.C., E.D.N.Y.  
Long Island Federal Courthouse, 944 Federal Plaza  
Central Islip, New York 11722

Re: Jackson v. POM Recoveries, Inc.  
17-cv-06118 (ADS)(AKT)

Dear Magistrate Judge Tomlinson:

I refer Your Honor to the Defendant's motion for a protective order in regard to Plaintiff's class discovery demands (Dkt. No. 20) which I filed yesterday. Please consider this letter as a supplement thereto.

I refer Your Honor to the Plaintiff's request for production of documents which is included in Dkt. No. 20-1. Number 31 therein demands "Defendant's tax returns, including applicable schedules for the past three years." After drafting and filing the herein referenced letter motion for a protective order, I reviewed Plaintiff's alleged responses to the Defendant's discovery demands which were sent to me yesterday via email by one of Plaintiff's counsels, David Barshay. I attach herewith a copy of the Plaintiff's response to the Defendant's request for production of documents. I refer Your Honor to that portion of the response entitled "GENERAL OBJECTIONS", number 9 therein which asserts:

"Plaintiff objects to each request to the extent that such seeks information regarding tax returns, W-2 and/or 1099 forms. Such materials are privileged under federal and state law."

This statement constitutes an admission by the Plaintiff against his alleged interest in obtaining Defendant's tax returns. The statement is further evidence of the harassing nature of the Plaintiff's class discovery demands and provides a further basis for Your Honor to grant Defendant's motion for a protective order in its entirety.

Respectfully submitted,

/ s / *Robert L. Arleo*

Robert L. Arleo

RLA:gra

Cc: POM Recoveries, Inc.

All counsels of record via ECF